

TWICE TOLD TALES

Told Yet Again on the Witness Stand.

SOME REBUTTING TESTIMONY

Mrs. Haines Makes More Details. Charles Hayden Tells the Story of His Life to the Jury.

People didn't forget the Brown will case over Sunday. There was no morning session of court, but 2 o'clock found all the regular attendants in their places, and a large number of new faces were noticed among the crowd. That some ladies are making a business of coming every day, was evidenced by the fact that at least one came in, took off her hat and cloak, produced her embroidery, and went diligently to work.

After the jurors had answered to the roll call, the first business of the afternoon was the continuance of the cross-examination of James W. Hanson.

Witness considered Brown's estate to be worth \$75,000 at the time the will was made. This estimate was not made from any inventory. Had a talk with Mr. Hayden in Denver about that time, and Hayden said it was worth more, and that there was an inventory somewhere. At the time Brown made his will, he found fault with some testimony Hayden had given in Wisconsin suit of Brown's, in which Brown won. Told Brown he ought to make better provisions for his wife and Alice. At that time witness had never seen Mrs. Haines. About all the business witness did for Brown after 1882 was "dusting up" business. Brown told witness of letting Hayden have about \$1,000 for business in Canada, but never spoke of losing any more money by him, to the best of witness' recollection. Witness thought he didn't testify in probate court of Brown's losing \$500 and \$300 by Hayden.

No Hugging or Kissing on Mrs. Haines' Part

Was no hugging or kissing on Mrs. Haines' part when witness went with Brown to Grandville. Didn't know what became of original draft or will. Couldn't say how much time elapsed between drafting of will and execution of it—might have been two or three days. Never looked to see when charge for making the will was put on books of witness, and didn't know whether he could find that book or not. Brown always spoke of his wife as if he thought very much of her. Brown seemed greatly attached to his grandchild, Maude, and seemed to feel very sad about her death—just as any grand-father would feel.

Re-direct, by Mr. Russell: The death of the child did not seem to affect Brown mentally or physically. Was not any different in '22, after Maude died, from what he was in '76. There was no trace of bitterness in Brown's manner when he spoke of Alice's extravagance, but he spoke of it as a mere matter of fact. Witness identified Brown's handwriting in one or two account books, but when Mr. Russell read at one place "5400 for rent," Mr. Uhl objected and said, "It doesn't say 5400 for rent, it says \$400, ten per cent."

Mr. Russell: "You don't think he would charge ten per cent interest, do you?" On examination, Mr. Uhl's reading appeared the correct one.

Mrs. Chamberlain, the witness who afforded so much sport last week while giving testimony, was recalled for further cross-examination by Mr. Smiley. Witness told of the repairs Brown made on the house she rented of Brown, a list which comprised every known repair that a house ever underwent. Some of the repairs were made before he died, and some after. Brown told her about his will in 1881. Couldn't say whether the water was pumped out of her cellar in '81 or not. Wrote Will Brown to call and see her at her house, because she wanted to rent a house of him—for nothing else. That was after she went to see Mr. Gleason. Told Will Brown when he talked that she expected she would be a witness in the suit, but never told him that she knew nothing of the affair except what Brown himself told her. Didn't tell Will Brown that Brown told her about the trouble in '86, and Will Brown did not say Brown was blind in '86. Did not tell Will Brown that \$30

Would Take Her Back to Indiana, and that she would like to go to get out of being a witness. Did say she would rather die than come into court; Gleason didn't tell her that Brown was blind and that all he knew was what Margaret told him. "Gleason tried to pump me." Didn't have any sign up. "Hot Meals at All Hours," on her house on Turner street, but if she had expected Mr. Smiley she would have had such a sign; never had any sign up in all her life; never kept rooms or boarded on Turner street; never was separated from her husband—had gone away on business, occurred to her, but couldn't say how long her husband had kept her away from her husband.

Mr. Russell asked permission to have the testimony of Mr. Hanson in the probate court read into the records, in order to show that it was on the second cross-examination of Mr. Hanson that the story of the illegitimacy of Mrs. Hayden, as told Hanson by Brown, was brought out—not by the proponent, but by the contestant.

Mr. Uhl called the attention of the court to the fact that the question of the illegitimacy has been brought out as a sort of "stump speech" by both Brown and Mrs. Haines on different occasions.

Mr. Russell objected to the term "stump speech" and several other things, and noted an exception.

Mrs. Haines was recalled for further examination. Mr. Smiley said Mrs. Haines had promised an inventory of her property in 1886, which she had failed to produce.

Mr. Russell said the inventory could be given this morning, but that the introduction of such an inventory into the testimony was improper and irrelevant, and he couldn't possibly see what business it was of the court, or jury, or contestant, how much or what property was in it.

The court ruled that Mrs. Haines could either bring in the inventory or answer the questions asked by contestant's lawyers as to what that property consisted of.

Mr. Smiley then elicited from Mrs. Haines that she knew Mrs. Allen visited Brown in '83, '84, '85, and very often. Couldn't say she had known Mrs. Allen twenty years, but has known her ever since she was a little child, and was in the habit of visiting with her frequently from '78 to '84. Witness said Lydia came to her home to see witness' father and Will Brown, but in opinion of witness Lydia called more to see the young man than the old. Never told Mrs. Allen that Alice was a bad woman, "a snake in the grass," and that Alice

would talk against her when her back was turned. Never told Mrs. Allen that Mrs. Brown was a bad woman, or that Alice and Mrs. Brown didn't care for Mr. Brown. Never told Mrs. Allen that she (witness) knew what was in her father's will. Never told her that Alice wasn't going to get much of the property, and that witness was going to be "boss" after Brown died. Witness' father had a mortgage on Mrs. Allen's father's place. Never told Mrs. Allen not to worry about that mortgage. Yes, witness knew Fred Wellington—he had painted her house in '88. Never told him that she knew the contents of her father's will. It was Brown that told Mrs. Allen the contents of the will, and witness told her father that he must be careful what he told Lydia, for she was a tattler. Will Brown came down to Grandville one day, and said—

At this point witness started in to detail the circumstance, but was stopped by the attorneys.

Re-direct by Mr. Russell: "You make the explanation you started to make."

Mr. Gleason objected to witness' giving the story.

Mr. Russell: "William Brown was brought into this by the other side. This controversy, of which I know nothing whatever, seems to have something to do with the case, and I would like to have it given."

The court ruled that if it related to the will at all, that the witness should tell the story.

Mrs. Haines then proceeded to explain that at one time in '86 Will Brown showed her an indentured picture, for which witness complained of him to her father. From that time Will Brown became her bitter enemy, although he apologized to her for the insult in '86. Witness said Lydia Allen fell in love with Will Brown just after this insult, so Will wrote to Lydia to come up to Grand Rapids and tell Mr. Brown that Margaret had told her about the will. Lydia came up, and when Brown questioned her about it, Lydia said she thought Margaret knew about the will, but wasn't sure. The old Brown told Lydia that thought wouldn't go with him. Since that time witness and Lydia have not been friends.

At this point the testimony for the proponent was concluded.

Mrs. Lydia Allen was called as the first witness for the rebuttal. Mr. Uhl conducting the examination. Witness knows Mrs. Haines; has known her for about twenty years. Lived across the road from Mrs. Haines at Grandville, and was intimate with her until 1886. Talked with Mrs. Haines in '80 about her father's will.

Mr. Russell objected to the testimony of the witness, saying it had nothing to do with the rebuttal, not having been brought out in the main evidence.

Mr. Uhl explained that the evidence was introduced because the proponent had sworn that she never talked with anyone about her knowledge of her father's will. The court overruled the objection, and Mr. Russell took an exception.

Witness said Mrs. Haines told her she was to have most of her father's property, but couldn't remember whether Mrs. Haines said she saw the will or her father had told her the contents.

Mr. Russell: "The same objection on the same grounds, and the same exception."

Witness said Margaret told her that neither Alice nor her mother were respectable women.

Mr. Russell Got Angry.

Witness said Mrs. Haines told her that Will Brown was to hold the keys after her father died until she got there, and then give them to her, and she would be boss.

Mr. Russell: "The same, etc."

The spectators saw fit to laugh at the repetition, and Mr. Russell remarked that the conduct of the spectators in questions asked was abominable, and that it was not a fair trial when so much laughter was allowed.

His honor thought Mr. Russell had expressed himself rather strongly—that some little laughter had gone on, but it was at times when some ludicrous question or answer had been made. He then reminded the audience, and ordered that everybody keep as quiet as possible, so that there might be no appearance of prejudice, one way or the other.

After a recess of ten minutes Mr. Russell began the cross-examination of Mrs. Allen.

Witness said the termination of her friendship with Mrs. Haines was caused by witness telling Will Brown that Mrs. Haines had told her about her father's will.

Witness couldn't say she was in love with Will Brown at that time. Was in the habit of making presents to Will Brown. Gave him wristlets and an album. Will Brown didn't accept the wristlets, which witness gave Mrs. Haines to give to him. Witness did not go to old Brown and say that Mrs. Haines had never told her about the will. Witness would not lie for Mrs. Haines, and Mrs. Haines did tell her about the truth and shame the devil. Will Haines never went to Mrs. Haines' house after the trouble. Her father told her to tell the truth about what she knew, and that she needn't dread to go into court. Had a talk with her father in '86 about the "row." Did not give Will Brown a written statement of what her testimony would be.

Fred Wellington the Next Witness.

Mr. Russell objected to the witness on the ground that he had been in court room. Mr. Wellington said he had just come into the city from Newaygo. Mr. Russell insisted that his presence in the room debarr'd his testimony, and Mr. Gleason urged the examination.

Witness said in '86 he was a painter, and worked about four weeks and a half for Mrs. Haines at that time.

Mr. Russell made the usual objection and exception.

Witness said Mrs. Haines told him she knew the contents of her father's will; that Will Brown's name was not mentioned in it, and that her sister Alice was not given very much.

Mr. Russell then took the witness. Was not well acquainted with Mrs. Haines, and didn't know why she should come out and tell him all about it. Remembered the conversation well, because she had spoken about it so often since. Didn't know why he had been brought from Newaygo. Witness thought it was queer that Mrs. Haines should tell him about her family matters.

Re-direct, Mrs. Haines helped about the work witness did for her, and talked with him on various subjects, but witness did not get very acquainted with her.

There was quite a stir in the court room when Chas. Hayden, Jr., was called. Mr. Uhl conducted the examination. Witness married Alice Brown in 1891, having known her two years

Before marriage. Mr. Brown furnished witness money to go into grocery business on corner of Monroe and North Division streets. Mr. Brown let him have somewhere about \$150 at that time, and Brown did not lose that money.

At the time of marriage, witness was in the employ of Lewis Porter, and remained in it until '65.

Mr. Russell objected to the questions on the ground that they were not in the rebuttal.

Mr. Uhl argued that the defense of the will was largely based on the statements that the Haydens were extravagant; that Brown had lost money by them; also that the proponent had endeavored to make the jury believe that the conditions of the will were such as they were because Brown had already given the Haydens a great deal of money which had been squandered.

After considerable argument on the part of Messrs. Russell, Uhl and Smiley, the court ruled to proceed with the examination. Mr. Russell wished it understood that all the testimony of Mr. Hayden would be taken under objection except as exception, as irrelevant and incompetent.

Witness said he and his wife came to live at the homestead with Mr. and Mrs. Brown in '62. Witness identified the handwriting of James H. Brown. The house on the corner of Pearl and Ionia streets

Was Purchased for Alice, of the price being \$1,200 and forty acres of wild land. Of the \$1,200 Brown paid \$1,100 and witness paid \$100. An entry on Brown's account book for this \$1,100 was identified by witness. When witness ceased to work for Mr. Porter he went to the oil fields of Pennsylvania for a little time, but did not engage in business there. Went to Petrolia, Canada, in '66, and remained there until '73. First went into the hotel business in Canada; had a partner, a Mr. Dodge. Brown loaned the firm of Hayden & Dodge \$1,500, Brown's security consisting in a mortgage on the place. The firm paid \$500 of the loan in the fall of '68, and the rest of it was paid individually by Dodge and witness.

The mortgage was discharged and the loan repaid. The firm of Hayden & Dodge ran the hotel for about one year. The \$1,500 was borrowed for the purpose of buying out a partner. Brown did not furnish money to the firm to buy billiard tables [exception by Mr. Russell]. Witness leased his right to the hotel to a Mr. Van Fyle. On returning from Canada witness went into the oil business with his father, until the fall of '68, and then went back to Canada to resume control of the hotel business. Before leaving gave Brown a note for \$400, and afterward Brown made a present of the note to Alice. Witness read the entry of the note from Brown's record as follows: "Alice Hayden to C. Hayden, Jr. Note \$400, 10 per cent."

Witness ran the hotel for about three years upon his return to Petrolia, Canada. Bought out Mr. Dodge's half interest in the hotel, and at that time borrowed \$500 of Brown on a note, given in May, '70; that note was paid and taken up; it was paid in installments. Went out of the hotel business in '71. The business had been reasonably profitable. Then went into the oil business in Petrolia, continuing in it until the latter part of summer of '73. After that witness worked for different parties in Grand Rapids, at one time traveling for a man named Perry; wages, \$10 a week; worked for John Canfield at \$10 a week. Next worked for Merahon & Gustine, receiving \$75 a month; was in their employ a year; then sold goods for E. Plumb & Sons; at one time did clerical work for Mr. Brown, making inventories, etc. Health was not good at the time, having suffered from asthma; nearly all of the time from '73 to '77 witness lived in the homestead.

Brown was worth \$200,000.

The inventory made by Brown of his property, according to Brown's own estimate, aggregated a little over \$200,000. About the first of February, 1877, went to Denver, Col., owing Brown a total at the time of \$325, rate of interest, 10 per cent. All money ever borrowed by Hayden of Brown was paid except this \$325.

Witness obtained employment in Denver after about two weeks residence. Left wife and family in Grand Rapids. Came back to Grand Rapids to attend the funeral of witness' daughter Maude. Witness said the evidence given in respect to his being obliged to pawn his watch and chain and so forth to come to the funeral, was entirely untrue. As for the story, witness did not buy any silk hat, but had his own old silk hat ironed. Borrowed a hat for Mr. Brown to wear to Maude's funeral, but Brown did not say, "By G— Almighty, my hat is paid for, and yours isn't." Brown didn't say any words to that effect, and was not profane upon the subject. Mr. Uhl called the attention of witness to an entry in Mr. Brown's book concerning the expenses of the child's funeral, total \$114.55, followed by the words, "This is in full payment piano, Alice Hayden." Witness explained that the entry meant that Alice turned over her share in the piano to her father in consideration of his paying her child's funeral expenses. Witness further explained that when he returned to Denver he borrowed \$200 of Brown, in security for which Alice turned over to her father household goods to the amount of \$200. An entry for the same was found on the book belonging to Brown, and identified by the witness.

Court adjourned until 10 o'clock this morning. It is expected that all the rebutting testimony will be finished today.

SHOP LIFTERS CAPTURED.

Temptation Proves Too Strong for Some Customers at Spring's.

Yesterday morning the bankrupt sale of Vossen Bros' stock occurred at Spring & Company's. From the time the doors opened a large crowd, composed almost entirely of women, filled the store. Anticipating that there would mingle among the customers some unscrupulous persons, Mr. Spring induced Superintendent Eastman to allow Detective Kennedy to remain in the store. The officer roamed about inside the counters as a clerk. Mrs. L. F. Watkins, after making her purchases, desired to leave the store, but found the pressure of the crowd so great that she could not. She asked the assistance of a man nearby, and he piloted

her out. A few moments later she missed her pocketbook and made complaint to Detective Kennedy, pointing out as the thief Oscar Byrne, who has served a term in prison for robbing U. P. Kidder's store. He was placed under arrest on suspicion. Byrne assisted the woman through the crowd, but protested his innocence. Mrs. Hoskins could not swear that he was the guilty party and he was released. She missed \$2, and \$15 were found in Byrne's pocket, \$5 of which he could not account for. Mrs. Hiram Doty was arrested later for attempting to walk away with a small box of velvet without leaving behind the required amount of money. She was locked up, and will have a hearing today. In the afternoon, about 3 o'clock, Mrs. James Townsend and Miss Alice Holt (both notorious names) were arrested by Detective Kennedy. The first had in her possession eighteen pairs of gloves, and the latter one pair. In these cases Mr. Spring decided not to make complaint. The woman is the wife of a hard-working, honest mechanic, who as yet does not know of her guilt. The latter is her hired girl. The names, although known, are withheld out of deference to the husband.

ARRAIGNED FOR ASSAULT.

Thomas, the Stabber, Pleads Not Guilty to the Charge.

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Forgot to Pay His Tax.

Wilson H. Richards of Clarksville, was arrested yesterday morning by Deputy Marshal Judd on a charge of retarding liquor without paying the United States tax. Richards was arraigned before Commissioner McQuowen for examination, which resulted in his being held to the October term of the United States court. He was released on bonds to the amount of \$200. Richards is a hotel keeper and claims he did not know he was required to pay a government tax in addition to the state tax.

They Sweetly Sang.

Charles Stuart was arraigned in police court yesterday charged with being intoxicated and disorderly. He pleaded guilty and was fined \$5.92, in default of which he went to jail for thirty days. Mrs. C. Washington was arrested at the same time and was fined a like sum and committed to jail for a like period. The pair were hauled in from Canal street about 2 o'clock yesterday morning. They were walking along the thoroughfare, arm in arm, singing a song that was not a hymn.

Afflicted with Jim Jams.

Complaint has frequently been made to the police within the past two days of the actions of a man who has been following little girls, trying to induce them to accompany him and making insulting remarks to them. Sunday while three girls were on their way to church on Shawmut avenue, Pat Welsh insulted them. He answered the description of the person who had been guilty of similar offenses, so he was arrested and locked up. It was found to be on the verge of delirium tremens.

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The March term of the circuit court opened yesterday morning with the formal calling of the calendar. Judge Grove, who has been sick for the past three weeks, was sufficiently recovered to do this much, after which he adjourned court until this morning. Judge Grove will sit in the upper court and hear the non-jury cases. Judge Adair will dispose of the criminal and jury cases.

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Frank Delmouth was arrested on complaint of his wife under the ordinance for failure to support. The case had been adjourned until March 10, but by stipulation he was allowed to come into court yesterday and plead guilty. Sentence was suspended for thirty days. Delmouth had secured a job and agreed to give part of what he earns to his wife.

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ARRAIGNED FOR ASSAULT.
Thomas, the Stabber, Pleads Not Guilty to the Charge.

Peter Thomas, the colored inmate of the Soldiers' Home, who stabbed James Johnson at the home Friday night, was arraigned yesterday before Justice Hydrorn on a charge of committing assault with intent to do great bodily harm less than the crime of murder. He pleaded not guilty, and the examination was set for March 11 at 9 a. m. Bail was fixed at \$1000, and in default he was committed to the county jail. The complaint was made by Commander McKee of the Soldiers' Home. Johnson, the injured man, is reported to be recovering.

Court Notes.

Aaron Wang, an inmate of the Soldiers' home, was sentenced to the county jail for five days, yesterday, by Justice Hydrorn. Wang was drunk and disorderly. George Tennet, also an inmate of the home, was given five days by the same.

Peter Kipp, of Grand Rapids township, was drunk and disorderly and Justice Hydrorn gave him ten days in the county jail yesterday.

In the circuit court Joseph B. Griswold began suit in assumpsit against Edmund B. Dikeman, yesterday, placing damages at \$1,000. The Adolph Leiselt Iron Works company also started suit against John Apsey, asking \$500 damages.

John Rawson and James Rawson began suit in the circuit court, yesterday, against Allen Elstard, to recover \$194.45, an amount for material and labor furnished the defendant in the construction of a dwelling.

Forgot to Pay His Tax.

Wilson H. Richards of Clarksville, was arrested yesterday morning by Deputy Marshal Judd on a charge of retarding liquor without paying the United States tax. Richards was arraigned before Commissioner McQuowen for examination, which resulted in his being held to the October term of the United States court. He was released on bonds to the amount of \$200. Richards is a hotel keeper and claims he did not know he was required to pay a government tax in addition to the state tax.

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